

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

ANDREW M. SCOBLE (CABN 124940)
Assistant United States Attorney
450 Golden Gate Ave., Box 36055
San Francisco, California 94102
Telephone: (415) 436-7200
Fax: (415) 436-7234
E-Mail: andrew.scoble@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 12-0628 RS
)	
Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER CONTINUING HEARING DATE
v.)	AND EXCLUDING TIME UNDER
)	SPEEDY TRIAL ACT
CURTIS LEE JOHNSON, JR.,)	
)	
Defendant.)	

STIPULATION

IT IS HEREBY STIPULATED by the parties, through undersigned counsel, that:

The period from February 20, 2013 through and including March 12, 2013 may be excluded from the otherwise applicable Speedy Trial Act computation because failure to grant the continuance as requested would unreasonably deny the defendant continuity of counsel and the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(A) & (B)(iv). Specifically, the parties represent that they request the continuance and stipulate to its appropriateness in light of: District Judge Maxine M. Chesney's Order of Recusal and the subsequent reassignment of this case to District Judge Richard Seeborg; the parties' ongoing need to assess the impact of the

SFPD Crime Laboratory's report of DNA analysis (including the exclusion of the defendant as a donor on DNA recovered from one of the firearms); the failure (due to government counsel's misunderstanding) to obtain the presence of the defendant for an anticipated February 26, 2013 appearance; and defense counsel's limited unavailability due to his involvement in the defense of two murder cases.

DATED: March 1, 2013

MELINDA HAAG
United States Attorney

/S/
ANDREW M. SCOBLE
Assistant United States Attorney

DATED: March 1, 2013

/S/
MICHAEL GAINES
Counsel for Defendant

[PROPOSED] ORDER


Based upon the above-described Stipulation, THE COURT FINDS THAT the ends of justice served by granting a continuance from February 20, 2013 through and including March 12, 2013 outweigh the best interest of the public and the defendant in a speedy trial, and that failure to grant such a continuance would unreasonably deny the defendant continuity of counsel and the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Accordingly, THE COURT ORDERS THAT:

The period from February 20, 2013 through and including March 12, 2013 is excluded from the otherwise applicable Speedy Trial Act computation, pursuant to 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

IT IS SO ORDERED.

DATED: 3/1/13


HON. RICHARD SEEBORG
United States District Judge